

October 23, 2015

VIA ECF

The Honorable Lisa Margaret Smith
The Hon. Charles L. Brieant, Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: **Privado Marketing Group LLC, at al v. Eleftheria Rest Corp.**
13 cv 3137 (ER-LMS)

Dear Judge Smith:

We represent Plaintiffs Privado Marketing Group LLC, DC 114 Cedar NR, LLC, and Don Coqui Holding Company, LLC ("Plaintiffs") in the above referenced matter. We are writing to correct several misrepresentations made by Defendants' counsel in his letter dated October 22, 2015.

Counsel claims that "[n]ot only were Plaintiffs delinquent in responding to discovery prior to counsels' motion to withdraw, but Plaintiffs had failed to take any affirmative discovery action. . . (Doc.# 55 at 4). This is incorrect and grossly overlooks Plaintiffs' prior discovery submissions. While counsel describes such submissions as "limited" in an earlier section of his correspondence, we respectfully disagree.

In response to Defendants' *first* discovery demands, Plaintiffs provided Defendants over 500 pages of responsive documents. In marked contrast, Defendants produced fewer than 200 pages of documents. Plaintiffs fully, and timely,¹ responded to Defendants' 18 document demands, 20 interrogatories, and 11 notices to admit. Plaintiffs also submitted document demands to Defendants which resulted with the above mentioned document response by Defendants. To my knowledge, no depositions notices were ever sent by Defendants to Plaintiffs' attention.

Plaintiffs' failure to respond to Defendants' *second* set of discovery demands was not the result of deliberate delay or lack of interest in this matter. On the contrary, what happened here is that the relationship between Plaintiffs and their prior counsel became strained, for a variety of reasons that are beyond the scope of this correspondence.

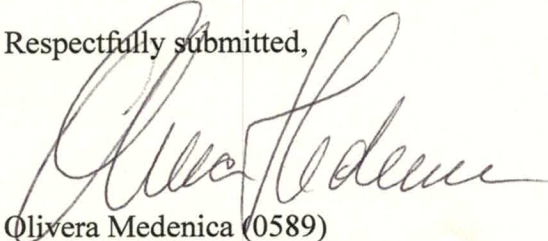
¹ The record is devoid of a motion to compel/strike filed by Defendants on this issue. We can only conclude that such discovery responses were deemed satisfactory by Defendants.

Furthermore, Defendants' representation that "this is the first time" he hears about the three months request disregards the fact that he categorically refused any extension of discovery (for the exception of an extension in Defendants' unilateral favor). A categorical refusal moots the necessity of a conversation regarding the length of such an extension.

In light of these issues, and our prior correspondence to this Court, Plaintiffs respectfully repeat their request for a two week deadline to respond to Defendants' discovery requests, and an extension of the close of discovery until February 16, 2016.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Olivera Medenica", is written over the typed name.

Olivera Medenica (0589)
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Cc: Robert B. Golden (via email only)
Counsel for Defendants